

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CIVIL CASE NUMBER 2022-CP-07-
MATTHIAS KLINE AS PERSONAL)	
REPRESENTATIVE OF THE ESTATE)	
OF LEROY KLINE,)	
)	
Plaintiff,)	
)	
)	
vs.	)	SUMMONS
	)	JURY TRIAL DEMANDED
)	
COLONIAL GROUP, INC. D/B/A)	
ENMARK (FORMERLY KNOWN AS)	
INTERSTATE STATIONS, INC.))	
)	
Defendants,)	
)	

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you and you are required to serve a copy of your Answer to said Complaint on the Plaintiff or his attorney, J. Andrew Smith, Esquire, at 28 Old Jericho Road, Beaufort, South Carolina, 29906, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in said Complaint.

LAW OFFICE OF CLIFFORD BUSH, III, LLC
s/J. Andrew Smith
 J. Andrew Smith, Esquire
South Carolina Bar No.: #14086
 28 Old Jericho Road
 Beaufort, South Carolina 29906
 Tel.: (843) 379-9500
 Fax: (843) 379-9550
 drew@lawofficeofcbushiii.com
ATTORNEY FOR PLAINTIFF

Beaufort, South Carolina

August 2, 2022

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CIVIL CASE NUMBER 2022-CP-07-
MATTHIAS KLINE, AS PERSONAL)	
REPRESENTATIVE OF THE ESTATE)	
OF LEROY KLINE,)	
)	
Plaintiff,)	
)	
)	
vs.	)	COMPLAINT
	)	JURY TRIAL DEMANDED
)	
COLONIAL GROUP, INC. D/B/A)	
ENMARK (FORMERLY KNOWN AS)	
INTERSTATE STATIONS, INC.))	
)	
Defendant,)	
)	

COMES NOW, the Plaintiff, Matthias Kline, as Personal Representative of the Estate of Leroy Kline, complaining of the Defendant, Colonial Group, Inc. doing business as Enmark (formerly known as Interstate Stations, Inc.), and would respectfully show unto this Honorable Court the following:

THE PARTIES AND JURISDICTION

1. At all times pertinent to and mentioned in the allegations herein, Plaintiff, Matthias Kline, is and was a resident and citizen of Beaufort County, South Carolina and has remained so at all times relevant to this complaint.

2. The Plaintiff, Matthias Kline, is the duly appointed Personal Representative of the Estate of Leroy Kline with respect to the cause of actions asserted herein and brings this action on behalf of the Estate of Leroy Kline. Plaintiff was qualified as Personal Representative of the Estate of Leroy Kline on July 12, 2022 by the Beaufort County Probate Court. A copy of Plaintiff's

certificate of appointment as Personal Representative of the Estate of Leroy Kline is attached hereto as Exhibit 1 and is incorporated herein by reference.

3. Leroy Kline was a resident of 119 Community Center Road, #2 Wimbee Trailor Court, Seabrook, County of Beaufort, State of South Carolina 29440 at all times relevant to and mentioned in this complaint. Leroy Kline passed away on February 16, 2022. A copy of the Death Certificate is attached as Exhibit 2.

4. Defendant, Colonial Group Inc. d/b/a Enmark (formerly known as Interstate Stations Inc.) is a corporation organized and existing under the laws of the State of Georgia and conducting business in Beaufort County, State of South Carolina located at Enmark Store #120, 3075 Trask Parkway, Beaufort, South Carolina 29906, at all times relevant to and mentioned in this complaint.

5. The parties hereto, the subject matter hereof and all matters and things hereafter alleged are within the jurisdiction of this Honorable Court.

FIRST CAUSE OF ACTION
(Negligence)

6. The Plaintiff realleges the allegations of the preceding paragraphs as if fully stated verbatim herein.

7. At all times relevant and mentioned in this complaint, Defendant, Colonial Group Inc. doing business as Enmark (formerly known as Interstate Stations) was and still is the owner of certain real property located at 3075 Trask Parkway, Beaufort, South Carolina 29906 and more particularly described as Enmark Store # 120. The last known legal description is attached as Exhibit 3.

8. At all times relevant and mentioned in this complaint, Defendant, Colonial Group Inc. d/b/a Enmark (formerly known as Interstate Stations Inc.) owned, operated, and controlled the

gas station parking lot, paved area, grounds, and store located at and around the gas tanks located at 3075 Trask Parkway, Beaufort, South Carolina 29906 and more particularly described at Enmark Store # 120.

9. On or about September 14, 2019, Mr. Leroy Kline patronized said gas station located at 3075 Trask Parkway, Beaufort, South Carolina 29906, and walked on the parking lot and paved area around the gas pumps, to fill his vehicle with gasoline and purchase some ice. As he was walking towards the store to pay for his gasoline, Mr. Kline tripped on cracks and holes in the parking lot area adjacent to the gas tanks and fell to the ground.

10. As a result of the trip and fall, Plaintiff sustained injuries to his left hand, left arm, left elbow, left shoulder, right hand, right arm, right elbow, right shoulder, right knee (patella fracture), right leg, left leg, back, and psyche/mental state.

11. Defendant had the duty to maintain the parking lot, and in particular the area from the gas tank to the store, in a reasonably safe condition for patrons, such as Plaintiff, coming to the gas station to pump and pay for gasoline. However, Defendant failed to maintain the area from the gas tank to the store in a reasonably safe condition and was negligent in the following respects:

- a. Defendant negligently, carelessly, and improperly maintained the paved area from the gas tanks to the store resulting in cracks and holes in the paved area where Plaintiff and other patrons walk from the gas pump to the store to pay for the gasoline;
- b. Defendant negligently, carelessly, and improperly failed to provide a reasonably safe paved area to the store from the gas pumps;

- c. Defendant negligently, carelessly, and improperly failed to place any warning or sign at or near the cracks and holes in the pavement from the Plaintiff's approach from the gas pumps to the store;
- d. Defendant negligently, carelessly, and improperly failed to block off or place barriers on the pavement, which needed repair of the cracks and holes, so as to ensure that customers do not walk on the unsafe ground; and
- e. Defendant negligently, carelessly, and improperly allowed and permitted the cracks and holes to remain in the area from the gas pump to the store.

12. The above-described injuries to Plaintiff were caused solely and proximately by Defendant's negligence and without any comparative negligence on the part of plaintiff.

13. Defendant's negligence, as alleged above, was the proximate cause of Plaintiff's injuries incurred in the trip and fall over the cracks and holes in the approach where Plaintiff walks from the gas pump to the store.

14. As a result of such injuries, Plaintiff suffered severe physical injuries, pain and suffering, loss of enjoyment of life, as well as medical expenses.

Second Cause of Action – Negligent Supervision

15. Plaintiffs hereby incorporates by reference paragraphs 1 through 14 of this Complaint as if fully set forth herein.

16. Upon information and belief, Defendant, Colonial Group, Inc. at all times material to this Complaint, owned the gas station grounds that Defendant, Enmark (formerly known as Interstate Stations, Inc.), a subsidiary, was operating at the time of the accident.

17. Upon information and belief, at the time of the accident Defendant, Enmark (formerly known as Interstate Stations, Inc.) was operating under the control and authority of Defendant, Colonial Group, Inc.

18. Upon information and belief, Defendant, Colonial Group, Inc. had a duty to control or/and supervise the activities of Defendant, Enmark (formerly known as Interstate Stations, Inc), and the actions of Enmark's employees.

19. Upon information and belief, Defendant, Colonial Group, Inc. knew or should have known of the condition of the property, operated on a daily basis by Defendant, Enmark (formerly known as Interstate Stations, Inc), and Colonial Group, Inc. had a duty to maintain the property and a duty to supervise Enmark and Enmark's employees, in Enmark and Enmark's employees' duties to maintain the subject property.

20. Upon information and belief, Defendant Enmark (formerly known as Interstate Stations, Inc.), while under the supervision and control of Defendant, Colonial Group, Inc., negligently allowed the property in which Plaintiff was patronizing to become and stay in a state of disrepair resulting in Plaintiff's injuries.

21. Defendants, Colonial Group, Inc. and Enmark (formerly known as Interstate Stations, Inc.) were, individually, jointly, and in combination of, at the time and place above mentioned trip and fall accident, negligent, grossly negligent, wanton, willful, and careless in one or more of the following particulars:

a. Defendants, Colonial Group, Inc. and Enmark (formerly known as Interstate Stations, Inc.), negligently, carelessly, and improperly maintained the paved area from the gas tanks to the store resulting in cracks and holes in the paved

area where Plaintiff and other patrons walk from the gas pump to the store to pay for the gasoline;

- b. Defendants negligently, carelessly, and improperly failed to provide a reasonably safe approach to the store from the gas pumps;
- c. Defendants negligently, carelessly, and improperly failed to place any warning or sign at or near the cracks and holes in the pavement from the Plaintiff's approach from the gas pumps to the store;
- d. Defendants negligently, carelessly, and improperly failed to block off or place barriers on the pavement, which needed repair of the cracks and holes, so as to ensure that customers do not walk on the unsafe ground; and
- e. Defendants negligently, carelessly, and improperly allowed and permitted the cracks and holes to remain in the area from the gas pump to the store.
- f. Defendant, Colonial Group, Inc., negligently, carelessly, and improperly supervised Defendant, Enmark (fka Interstate Stations) in the performance of their grounds maintenance duties as described in paragraphs 21 (a) through (e) above.

22. The above-described injuries to Plaintiff were caused solely and proximately by Defendant's negligence and without any comparative negligence on the part of plaintiff.

23. Defendants' negligence, as alleged above, was the proximate cause of Plaintiff's injuries incurred in the trip and fall over the cracks and holes in the approach from the gas pump to the store.

24. As a result of such injuries, Plaintiff suffered severe physical injuries, pain and suffering, loss of enjoyment of life, as well as medical expenses.

WHEREFORE, Plaintiff requests for judgment against the Defendants in the following:

1. Damages for past medical expenses and pain and suffering to be determined by the court;
2. Award actual and punitive damages to the Plaintiff;
3. Award costs, expenses, reasonable attorney's fees, interest, and disbursement of this action; and
4. Award such other and further relief as this Court may deem just and proper.

LAW OFFICE OF CLIFFORD BUSH, III, LLC

s/J. Andrew Smith

J. Andrew Smith, Esquire
South Carolina Bar No. 14086
28 Old Jericho Road
Beaufort, South Carolina 29906
P:(843) 379-9500
F:(843) 379-9550

ATTORNEY FOR PLAINTIFFS

Beaufort, South Carolina

August 2, 2022

Exhibit 1.

STATE OF SOUTH CAROLINA

COUNTY OF: BEAUFORTIN THE MATTER OF THE ESTATE OF:
LEROY KLINE
(Decedent)

IN THE PROBATE COURT

CERTIFICATE OF APPOINTMENT

CASE NUMBER: 2022ES0700821

This is to certify that

MATTHIAS KLINE

is/are the duly qualified

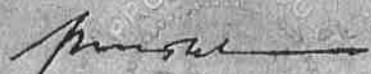
PERSONAL REPRESENTATIVE
 SUCCESSOR PERSONAL REPRESENTATIVE
 SPECIAL ADMINISTRATOR

in the above matter and that this appointment, having been executed on the 12th day of July, 2022, is in full force and effect.

RESTRICTIONS:

NONE

Executed this 12th day of July, 2022.



Kenneth E. Fulp, Jr., Probate Court Judge

Do not accept a copy of this certificate without
the raised seal of the Probate Court.

STATE OF SOUTH CAROLINA

CERTIFICATION OF VITAL RECORDS

EXHIBIT 2.

DEATH CERTIFICATION

139-2022-009739

* LEROY KLINE *

AKA: N/A

DECEDENT INFORMATION

DATE OF DEATH: FEBRUARY 16, 2022

PLACE OF DEATH TYPE: HOSPITAL/INPATIENT

PLACE OF DEATH NAME AND ADDRESS: BEAUFORT MEMORIAL HOSPITAL, BEAUFORT, SC, 29902-5454

CITY OF DEATH: BEAUFORT

MARITAL STATUS: DIVORCED (AND NOT REMARRIED)

SURVIVING SPOUSE: N/A

MOTHER NAME: LUCILLE SMALLS

FATHER NAME: JAMES BROWN

RESIDENCE: 121 COMMUNITY CENTER ROAD, SEABROOK, BEAUFORT COUNTY, SC, 29940

INFORMANT INFORMATION

NAME: MATTHIAS KLINE

MAILING ADDRESS: 115 COMMUNITY CENTER ROAD, SEABROOK, SC, 29940

TIME OF DEATH: 2125

SOCIAL SECURITY NUMBER: [REDACTED]

COUNTY OF DEATH: BEAUFORT

DATE OF BIRTH: [REDACTED]

AGE: [REDACTED]

PLACE OF BIRTH: SOUTH CAROLINA

SEX: MALE

ARMED FORCES: NO

RELATIONSHIP: SON

DISPOSITION/FUNERAL HOME INFORMATION

PLACE: LOWCOUNTRY CREMATORY, RIDGELAND, SC, 29936

FUNERAL HOME: SIMPLICITY LOWCOUNTRY CREM. & BUR. SVC., BLUFFTON

FUNERAL HOME ADDRESS: 171 SHERINGTON DRIVE, SUITE D, BLUFFTON, SC, 29910

FUNERAL DIRECTOR NAME: JOSEPH DEMERLY BELL

EMBALMER: N/A

METHOD: CREMATION

LICENSE NUMBER: [REDACTED]

LICENSE NUMBER: N/A

LICENS NUMBER: [REDACTED]

MANNER OF DEATH: NATURAL

MEDICAL INFORMATION

CERTIFIER: APN LYNDI JANE HOUSTON

ADDRESS: 955 RIBAUT RD, BEAUFORT, SC, 29902

CAUSE OF DEATH - PART I:

ACUTE ON CHRONIC RENAL FAILURE

OTHER SIGNIFICANT CONDITIONS - PART II: RLL PNEUMONIA UNPSECIFIED

CORONER CONTACTED?: NO

DATE OF INJURY: N/A

LOCATION OF INJURY: N/A

PLACE OF INJURY: N/A

HOW INJURY OCCURRED: N/A

AUTOPSY PERFORMED?: NO

AUTOPSY AVAILABLE?: N/A

TIME OF INJURY: N/A

INJURY AT WORK?: N/A

DATE FILED: FEBRUARY 21, 2022

DATE ISSUED: FEBRUARY 22, 2022

AMENDMENT HISTORY

N/A

SC10276999

This is a true certification of the facts on file in the Division of Vital Records, SC Department of Health and Environmental Control.

*Edward D. Simmer*Edward D. Simmer, MD, MPH, DFAPA
Acting Director and State Registrar*Caleb N. Cox*Caleb N. Cox
Assistant State RegistrarThis is watermarked paper. Do not accept without noting watermark. Hold to light to verify watermark.
Revision Date: 02/18/2021

EXHIBIT 3.

\$3.00

TITLE TO REAL ESTATE The R. W. Bryan Company, Columbia, S. C.	Form 14
--	---------

State of South Carolina,
County of Beaufort

Know All Men by These Presents, That Colonial Oil Industries, Inc.

in the State aforesaid, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars to be paid by Interstate Stations, Inc., a corporation by and under the laws of the State of South Carolina, having its principal place of business in Greenville, S. C. in the State aforesaid:

have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said Interstate Stations, Inc., its successors, and assigns forever:

All that certain piece, parcel or lot of land situated, lying and being in Port Royal Island, Beaufort County, South Carolina, being a part of what was formerly known as the Eustis Tract, the said parcel of land containing one and eight-tenths (1.8) acres as will appear by reference to a plat thereof prepared by Arthur O. Christensen, Surveyor, January 17, 1950, said parcel of land measuring Two Hundred Sixty (260') feet on its Northern and Southern boundary lines, and Three Hundred Twenty (320') feet on its Eastern and Western boundary lines. The Southeast corner of the within described parcel of land is one thousand one hundred ten and one-half (1,110 $\frac{1}{2}$) feet North along the Eastern side of the boundary line of the State Highway from the Southeast corner of the Eustis property, bounded on the North, South and West by other portions of the Eustis Tract now owned by Willie T. Walton, and on the East by U. S. Highway No. 21.

The property intended to be conveyed herein is the same property conveyed to Wm Frame, Inc. by Willie T. Walton by deed dated the 2nd day of November, 1951, and recorded in the office of the Clerk of Court for Beaufort County, South Carolina, in Deed Book 70, at Page 208.

ONE DOLLAR

ONE DOLLAR

ONE DOLLAR

ONE DOLLAR

189

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

To HAVE AND TO HOLD all and singular the premises before mentioned unto the said Interstate Stations, Inc., its successors, and assigns forever.

Heirs and Assigns forever.

And we do hereby bind our Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Interstate Stations, Inc., its successors, and assigns forever.

Heirs and Assigns, against we and our Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS our Hand and Seal this 1st day of March

in the year of our Lord one thousand nine hundred and sixty-four

and in the one hundred and eighty-ninth

year of the Sovereignty

and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

William E. Thomas
Ed. Herbert Griffin, Jr.
My Commission Expires Aug. 29, 1965

Colonial Oil Industries, Inc.

Robert V. Martin, Jr.
Vice-President
Secretary

(SEAL)
(SEAL)

Georgia
STATE OF MONTGOMERY,
Chatham County

PERSONALLY appeared before me William E. Thomas
and made oath that he saw the within-named Robert V. Martin, Jr., Vice-President
sign, seal and, as his act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that he, with G. Herbert Griffin, Jr., witnessed the execution thereof.

SWORN to before me this
1st day of March 1964
Ed. Herbert Griffin, Jr. (L.S.)
Notary Public, No. 1000, Ga.
My Commission Expires Aug. 29, 1965

STATE OF SOUTH CAROLINA,
County.

RENUNCIATION OF DOWER

NOT NECESSARY IN CORPORATION TRANSFER.

do hereby certify

State of South Carolina,
County of Beaufort

Colonial Oil Industries, Inc.
To
Interstate Stations, Inc.

TITLE TO REAL ESTATE

I hereby certify that the within Deed was filed for record in my office at 1:30 P. M. on the 29th day of NOVEMBER 1965, and was immediately entered upon the property index and duly recorded in Book 133 of Deeds page 199
Lester F. Johnson
Clerk of Court of Common Pleas and General Sessions
for Beaufort County, S. C.
I hereby certify that the within Deed has been

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
))	
COUNTY OF BEAUFORT	)	CIVIL CASE NUMBER 2022-CP-07-01434
MATTHIAS KLINE AS PERSONAL)	
REPRESENTATIVE OF THE ESTATE)	
OF LEROY KLINE,)	
Plaintiff,)	
))	
))	
vs.	)	AMENDED SUMMONS
)	)	JURY TRIAL DEMANDED
))	
ENMARK STATIONS, INC.)	
))	
Defendant.)	
))	

YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint in this action, a copy of which is herewith served upon you and you are required to serve a copy of your Answer to said Amended Complaint on the Plaintiff or his attorney, J. Andrew Smith, Esquire, at 28 Old Jericho Road, Beaufort, South Carolina, 29906, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Amended Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in said Amended Complaint.

LAW OFFICE OF CLIFFORD BUSH, III, LLC
s/J. Andrew Smith
 J. Andrew Smith, Esquire
South Carolina Bar No.: #14086
 28 Old Jericho Road
 Beaufort, South Carolina 29906
 Tel.: (843) 379-9500
 Fax: (843) 379-9550
 drew@lawofficeofcbushiii.com
ATTORNEY FOR PLAINTIFF

Beaufort, South Carolina

September 7, 2022

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
))	
COUNTY OF BEAUFORT	)	CIVIL CASE NUMBER 2022-CP-07-01434
MATTHIAS KLINE, AS PERSONAL)	
REPRESENTATIVE OF THE ESTATE)	
OF LEROY KLINE,)	
Plaintiff,)	
))	
))	
vs.	)	AMENDED COMPLAINT
)	)	JURY TRIAL DEMANDED
))	
ENMARK STATIONS, INC.,)	
))	
Defendant.)	
))	

COMES NOW, the Plaintiff, Matthias Kline, as Personal Representative of the Estate of Leroy Kline, complaining of the Defendant, Enmark Stations, Inc., and would respectfully show unto this Honorable Court the following:

THE PARTIES AND JURISDICTION

1. At all times pertinent to and mentioned in the allegations herein, Plaintiff, Matthias Kline, is and was a resident and citizen of Beaufort County, South Carolina and has remained so at all times relevant to this complaint.
2. The Plaintiff, Matthias Kline, is the duly appointed Personal Representative of the Estate of Leroy Kline with respect to the cause of actions asserted herein and brings this action on behalf of the Estate of Leroy Kline. Plaintiff was qualified as Personal Representative of the Estate of Leroy Kline on July 12, 2022, by the Beaufort County Probate Court. A copy of Plaintiff's certificate of appointment as Personal Representative of the Estate of Leroy Kline is attached hereto as Exhibit 1 and is incorporated herein by reference.

3. Leroy Kline was a resident of 119 Community Center Road, #2 Wimbee Trailor Court, Seabrook, County of Beaufort, State of South Carolina 29440 at all times relevant to and mentioned in this complaint. Leroy Kline passed away on February 16, 2022. A copy of the Death Certificate is attached as Exhibit 2.

4. Defendant, Enmark Stations, Inc., is a corporation organized and existing under the laws of the State of Georgia and conducting business in Beaufort County, State of South Carolina located at Enmark Store #120, 3076 Trask Parkway, Beaufort, South Carolina 29906, at all times relevant to and mentioned in this complaint.

5. The parties hereto, the subject matter hereof and all matters and things hereafter alleged are within the jurisdiction of this Honorable Court.

THE CAUSE OF ACTION
(Negligence)

6. The Plaintiff realleges the allegations of the preceding paragraphs as if fully stated verbatim herein.

7. At all times relevant and mentioned in this complaint, Defendant, Enmark Stations, Inc., was and still is the owner of certain real property located at 3076 Trask Parkway, Beaufort, South Carolina 29906 and more particularly described as Enmark Store # 120. The last known legal description is attached as Exhibit 3.

8. At all times relevant and mentioned in this complaint, Defendant, Enmark Stations, Inc., owned, operated, and controlled the gas station parking lot, paved area, grounds, and store located at and around the gas tanks located at 3076 Trask Parkway, Beaufort, South Carolina 29906 and more particularly described as Enmark Store # 120.

9. On or about September 14, 2019, Mr. Leroy Kline patronized said gas station located at 3076 Trask Parkway, Beaufort, South Carolina 29906, and walked on the parking lot

and paved area around the gas pumps, to fill his vehicle with gasoline and purchase some ice. As he was walking towards the store to pay for his gasoline, Mr. Kline tripped on cracks and holes in the parking lot area adjacent to the gas tanks and fell to the ground.

10. As a result of the trip and fall, Plaintiff sustained injuries to his left hand, left arm, left elbow, left shoulder, right hand, right arm, right elbow, right shoulder, right knee (patella fracture), right leg, left leg, back, and psyche/mental state.

11. Defendant had the duty to maintain the parking lot, and in particular the area from the gas tank to the store, in a reasonably safe condition for patrons, such as Plaintiff, coming to the gas station to pump and pay for gasoline. However, Defendant failed to maintain the area from the gas tank to the store in a reasonably safe condition and was negligent in the following respects:

- a. Defendant negligently, carelessly, and improperly maintained the paved area from the gas tanks to the store resulting in cracks and holes in the paved area where Plaintiff and other patrons walk from the gas pump to the store to pay for the gasoline;
- b. Defendant negligently, carelessly, and improperly failed to provide a reasonably safe paved area to the store from the gas pumps;
- c. Defendant negligently, carelessly, and improperly failed to place any warning or sign at or near the cracks and holes in the pavement from the Plaintiff's approach from the gas pumps to the store;
- d. Defendant negligently, carelessly, and improperly failed to block off or place barriers on the pavement, which needed repair of the cracks and holes, so as to ensure that customers do not walk on the unsafe ground; and

e. Defendant negligently, carelessly, and improperly allowed and permitted the cracks and holes to remain in the area from the gas pump to the store.

12. The above-described injuries to Plaintiff were caused solely and proximately by Defendant's negligence and without any comparative negligence on the part of Plaintiff.

13. Defendant's negligence, as alleged above, was the proximate cause of Plaintiff's injuries incurred in the trip and fall over the cracks and holes in the approach where Plaintiff walks from the gas pump to the store.

14. As a result of such injuries, Plaintiff suffered severe physical injuries, pain and suffering, loss of enjoyment of life, as well as medical expenses.

15. **WHEREFORE**, Plaintiff requests for judgment against the Defendants in the following:

1. Damages for past medical expenses and pain and suffering to be determined by the court;
2. Award actual and punitive damages to the Plaintiff;
3. Award costs, expenses, reasonable attorney's fees, interest, and disbursement of this action; and
4. Award such other and further relief as this Court may deem just and proper.

LAW OFFICE OF CLIFFORD BUSH, III, LLC

s/J. Andrew Smith

J. Andrew Smith, Esquire
South Carolina Bar No. 14086
28 Old Jericho Road
Beaufort, South Carolina 29906
P:(843) 379-9500
F:(843) 379-9550

ATTORNEY FOR PLAINTIFFS

Beaufort, South Carolina

September 7, 2022

Exhibit 1.

STATE OF SOUTH CAROLINA

COUNTY OF: BEAUFORTIN THE MATTER OF THE ESTATE OF:
LEROY KLINE
(Decedent)

IN THE PROBATE COURT

CERTIFICATE OF APPOINTMENT

CASE NUMBER: 2022ES0700821

This is to certify that

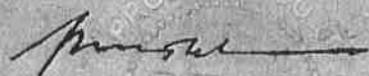
MATTHIAS KLINE

is/are the duly qualified

PERSONAL REPRESENTATIVE
 SUCCESSOR PERSONAL REPRESENTATIVE
 SPECIAL ADMINISTRATOR

in the above matter and that this appointment, having been executed on the 12th day of July, 2022, is in full force and effect.RESTRICTIONS:
NONE

Executed this 12th day of July, 2022.



Kenneth E. Fulp, Jr., Probate Court Judge

Do not accept a copy of this certificate without
the raised seal of the Probate Court.ELECTRONICALLY FILED - 2022 Aug 03 9:48 AM - BEAUFORT - COMMON PLEAS - CASE#2022CP0701434
ELECTRONICALLY FILED - 2022 Sep 07 4:22 PM - BEAUFORT - COMMON PLEAS - CASE#2022CP0701434

STATE OF SOUTH CAROLINA

CERTIFICATION OF VITAL RECORDS

EXHIBIT 2.

DEATH CERTIFICATION

139-2022-009739

* LEROY KLINE *

AKA: N/A

DECEDENT INFORMATION

DATE OF DEATH: FEBRUARY 16, 2022

PLACE OF DEATH TYPE: HOSPITAL/INPATIENT

PLACE OF DEATH NAME AND ADDRESS: BEAUFORT MEMORIAL HOSPITAL, BEAUFORT, SC, 29902-5454

CITY OF DEATH: BEAUFORT

MARITAL STATUS: DIVORCED (AND NOT REMARRIED)

SURVIVING SPOUSE: N/A

MOTHER NAME: LUCILLE SMALLS

FATHER NAME: JAMES BROWN

RESIDENCE: 121 COMMUNITY CENTER ROAD, SEABROOK, BEAUFORT COUNTY, SC, 29940

INFORMANT INFORMATION

NAME: MATTHIAS KLINE

MAILING ADDRESS: 115 COMMUNITY CENTER ROAD, SEABROOK, SC, 29940

DISPOSITION/FUNERAL HOME INFORMATION

PLACE: LOWCOUNTRY CREMATORY, RIDGELAND, SC, 29936

FUNERAL HOME: SIMPLICITY LOWCOUNTRY CREM. & BUR. SVC., BLUFFTON

FUNERAL HOME ADDRESS: 171 SHERINGTON DRIVE, SUITE D, BLUFFTON, SC, 29910

FUNERAL DIRECTOR NAME: JOSEPH DEMERLY BELL

EMBALMER: N/A

MEDICAL INFORMATION

CERTIFIER: APN LYNDY JANE HOUSTON

ADDRESS: 955 RIBAUT RD, BEAUFORT, SC, 29902

CAUSE OF DEATH - PART I:

ACUTE ON CHRONIC RENAL FAILURE

TIME OF DEATH: 2125

SOCIAL SECURITY NUMBER: [REDACTED]

COUNTY OF DEATH: BEAUFORT

DATE OF BIRTH: [REDACTED]

AGE: [REDACTED]

PLACE OF BIRTH: SOUTH CAROLINA

SEX: MALE

ARMED FORCES: NO

RELATIONSHIP: SON

METHOD: CREMATION

LICENSE NUMBER: [REDACTED]

LICENSE NUMBER: N/A

LICENSE NUMBER: [REDACTED]

MANNER OF DEATH: NATURAL

OTHER SIGNIFICANT CONDITIONS - PART II: RLL PNEUMONIA UNPSECIFIED

CORONER CONTACTED?: NO

DATE OF INJURY: N/A

LOCATION OF INJURY: N/A

PLACE OF INJURY: N/A

HOW INJURY OCCURRED: N/A

AUTOPSY PERFORMED?: NO

AUTOPSY AVAILABLE?: N/A

TIME OF INJURY: N/A

INJURY AT WORK?: N/A

DATE FILED: FEBRUARY 21, 2022

DATE ISSUED: FEBRUARY 22, 2022

AMENDMENT HISTORY

N/A

SC10276999

This is a true certification of the facts on file in the Division of Vital Records, SC Department of Health and Environmental Control.

*Edward D. Simmer*Edward D. Simmer, MD, MPH, DFAPA
Acting Director and State Registrar*Caleb N. Cox*Caleb N. Cox
Assistant State RegistrarThis is watermarked paper. Do not accept without noting watermark. Hold to light to verify watermark.
Revision Date: 02/18/2021

EXHIBIT 3.

ELECTRONICALLY FILED - 2022 Aug 03 9:48 AM - BEAUFORT - COMMON PLEAS - CASE#2022CP0701434
 ELECTRONICALLY FILED - 2022 Sep 07 4:22 PM - BEAUFORT - COMMON PLEAS - CASE#2022CP0701434

3,00

TITLE TO REAL ESTATE The R. W. Boyce Company, Columbia, S. C.	Form 14
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State of South Carolina,

County of Beaufort

Know All Men by These Presents, That Colonial Oil Industries, Inc.,

in the State aforesaid, for and

In consideration of the

sum of Ten and no/100 (\$10.00) Dollars

to us paid by Interstate Stations, Inc., a corporation by and under the laws of the

State of South Carolina, having its principal place of business in Greenville, S. C.

in the State aforesaid.

have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said

Interstate Stations, Inc., its successors, and assigns forever:

All that certain piece, parcel or lot of land situate, lying

and being in Port Royal Island, Beaufort County, South Carolina,

being a part of what was formerly known as the Eustis Tract,

the said parcel of land containing one and eight-tenths (1.8)

acres as will appear by reference to a plat thereof prepared by

Arthur O. Christensen, Surveyor, January 17, 1950, said parcel

of land measuring Two Hundred Sixty (260') feet on its Northern

and Southern boundary lines, and Three Hundred Twenty (320') feet

on its Eastern and Western boundary lines. The Southeast corner

of the within described parcel of land is one thousand one hundred

ten and one-half (1,110 $\frac{1}{2}$) feet North along the Eastern side of

the boundary line of the State Highway from the Southeast corner

of the Eustis property; bounded on the North, South and West by

other portions of the Eustis Tract now owned by Willie T. Walton,

and on the East by U. S. Highway No. 21.

The property intended to be conveyed herein is the same property

conveyed to New Frame, Inc. by Willie T. Walton by deed dated

the 2nd day of November, 1951, and recorded in the office of

the Clerk of Court for Beaufort County, South Carolina, in Deed

Book 70, at Page 208.

THESE VESTA
SAFETY MATCHES
INTERNAL REVENUE
100% REVENUE
DOLLAR
THE CONFEDERATE
SAFETY MATCHES
INTERNAL REVENUE
100% REVENUE
DOLLAR
THE CONFEDERATE
SAFETY MATCHES
INTERNAL REVENUE
100% REVENUE
DOLLAR

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TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

To HAVE AND TO HOLD all and singular the premises before mentioned unto the said Interstate Stations, Inc., its successors, and assigns forever.

Heirs and Assigns forever.

And we do hereby bind our Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Interstate Stations, Inc., its successors, and assigns forever.

Heirs and Assigns, against we and our Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS our Hand and Seal this 1st day of March
in the year of our Lord one thousand nine hundred and sixty-four
and in the one hundred and eighty-ninth year of the Sovereignty
and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

William E. Thomas
G. Herbert Griffin, Jr.
My Commission Expires Aug. 29, 1965

Colonial Oil Industries, Inc.

Robert V. Martin, Jr. (SEAL)
Vice-President
Secretary (SEAL)

Georgia
STATE OF MONTGOMERY,
Chatham County

PERSONALLY appeared before me William E. Thomas
and made oath that he saw the within-named Robert V. Martin, Jr., Vice-President
sign, seal and, as his act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that he, with G. Herbert Griffin, Jr., witnessed the execution thereof.

SWORN to before me this
1st day of March 1964
G. Herbert Griffin, Jr. (L.S.)
Notary Public, No. 100, Ga.
My Commission Expires Aug. 29, 1965

STATE OF SOUTH CAROLINA,
County

RENUNCIATION OF DOWER

NOT NECESSARY IN CORPORATION TRANSFER.

do hereby certify

State of South Carolina,
County of Beaufort

Colonial Oil Industries, Inc.
To
Interstate Stations, Inc.

TITLE TO REAL ESTATE

I hereby certify that the within Deed was filed for record in my office at 1:30 P. M. on the 29th day of NOVEMBER 1965, and was immediately entered upon the property index and duly recorded in Book 133 of Deeds page 199
Lester F. Johnson
Clerk of Court of Common Pleas and General Sessions
for Beaufort County, S. C.
I hereby certify that the within Deed has been